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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,846	02/26/2004	James E. Thompson	100-P004US	6865

7590 10/17/2005
Jeffrey L. Wendt
34 DriftOak Circle
The Woodlands, TX 77381

EXAMINER

UPTON, CHRISTOPHER

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,846

Applicant(s)

THOMPSON, JAMES E.

Examiner

Christopher Upton

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005 and 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 10, 15 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's election without traverse of Species I in the reply filed on August 9, 2005 is acknowledged. However, upon reconsideration, the restriction requirement is withdrawn.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-6, 11-13, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Norcross or Dennis.

Norcross and Dennis each disclose decanters in reactor tanks having discharge conduits with flexible portions having stabilizing arms, in the form of pivotal links (46 in Dennis, 36 in Norcross), which form means to limit the lateral movement of the decanter, as claimed. With respect to claim 11, it is submitted that the flexible portions with links form hinges, as claimed. With respect to claims 5, 6, 12 and 13, it is submitted that the links comprise both fixed and moveable connections.

4. Claims 9, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norcross or Dennis.

Claims 9, 14 and 19 recite a plurality of stabilizer arms. While only one is shown, it is submitted that one of ordinary skill in the art would obviously place the links on both sides of the conduit, to strengthen the joint.

5. Claims 1-4, 7, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Brauchli.

Brauchli discloses a decanter in a reactor tank having a discharge conduit which passes through one arm (15), and with a second stabilizing arm (16), which provides lateral stability, (see column 5, lines 39-55), as claimed. With respect to claims 3 and 4, it is submitted that the discharge conduit comprises both flexible and hinged, rigid sections.

6. Claims 1-3, 7, 9, 16, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Glasgow.

Glasgow discloses a decanter in a reactor tank having a hinged discharge conduit (100) and a pair of stabilizing arms (102), as claimed.

7. Claims 1, 4, 8 and 9 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Astrom or Christie.

Astrom and Christie each disclose decanters with flexible discharge conduits within a reactor tank, with plural stabilizing members moveably engaging posts in the reactor tank. Since the posts must be fixed to the tank for the device to operate, it is

submitted that the posts may therefore obviously be considered a part of the reactor, and therefore disclose the invention as claimed.

8. Claims 10, 15 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The recitation of a decanter mooring system in a reactor having a decanter, and a pair of stabilizing arms, each of which has one end connected to the reactor and wherein one arm is connected to the decanter and the second is connected to the discharge conduit patentably distinguishes over the prior art of record.

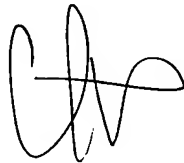
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other references of interest include Molinier, Muller and Paulson.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Upton whose telephone number is 571-272-1169. The examiner can normally be reached on 7:30-5:00, off every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'CU' with a stylized flourish.

Christopher Upton
Primary Examiner
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